

Remarks

The above Amendments and these Remarks are in reply to the Final Office Action mailed June 20, 2008 and Advisory Action dated August 26, 2008.

I. Summary of Examiner's Rejections

Prior to the Final Office Action mailed June 20, 2008, Claims 57-58, 63-64, 72-73, 81-82 and 90-95 were pending in the Application. In the Final Office Action, Claims 57, 63, 72, and 81 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brownlie et al. (U.S. Patent No. 6,202,157, hereinafter Brownlie) in view of Thebaut et al. (U.S. Patent No. 5,889,953, hereinafter Thebaut) in view of Guedalia et al. (U.S. Patent No. 6,148,333, hereinafter Guedalia) and further in view of Archibald et al. (U.S. Patent No. 5,825,883, hereinafter Archibald). Claims 58, 64, 73, and 82 were rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Brownlie, Thebaut, Birnbaum, Guedalia and Archibald system, and further in view of Luckenbaugh (U.S. Patent No. 5,991,887, hereinafter Luckenbaugh). Claims 91, 93, and 95 were rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Brownlie, Thebaut, Birnbaum, Guedalia, Archibald and Luckenbaugh system as applied to claims 90, 92, and 94 above, and further in view of Balassanian (U.S. Patent No. 6,324,685, hereinafter Balassanian).

II. Summary of Applicant's Amendment

The present Response amends Claim 57, and adds new Claims 96-99, leaving for the Examiner's present consideration Claims 57, 58, 63, 64, 72, 73, 81, 82 and 90-99. Reconsideration of the Application, as amended, is respectfully requested. Applicant respectfully reserves the right to prosecute any originally presented or canceled claims in a continuing or future application.

III. Claim Rejections under 35 U.S.C. § 103(a)

In the Final Office Action mailed June 20, 2008, Claims 57, 63, 72, and 81 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brownlie et al. (U.S. Patent No. 6,202,157, hereinafter Brownlie) in view of Thebaut et al. (U.S. Patent No. 5,889,953, hereinafter Thebaut) in view of Guedalia et al. (U.S. Patent No. 6,148,333, hereinafter Guedalia) and further in view

of Archibald et al. (U.S. Patent No. 5,825,883, hereinafter Archibald). Claims 58, 64, 73, and 82 were rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Brownlie, Thebault, Birnbaum, Guedalia and Archibald system, and further in view of Luckenbaugh (U.S. Patent No. 5,991,887, hereinafter Luckenbaugh). Claims 91, 93, and 95 were rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Brownlie, Thebault, Birnbaum, Guedalia, Archibald and Luckenbaugh system as applied to claims 90, 92, and 94 above, and further in view of Balassanian (U.S. Patent No. 6,324,685, hereinafter Balassanian).

Claim 57

As amended, Claim 57 defines a policy manager that creates a local security policy and distributes it to each application guard located on the clients. The local security policy is created by deriving it from the global security policy. More specifically, the local security policy is created by determining which rules of the global policy apply to which application guard and selecting those rules for the customized local policy. Thus, the local security policy contains a fewer number of rules than the global security policy. Once the application guard receives the distributed custom local security policy, it uses it to control access to individual transactions.

One of the advantages of this functionality is that access requests at each application guard can be evaluated by reviewing only a few rules, rather than frequently analyzing the potentially large policy rule database (Specification, page 28). Thus, a smaller, customized and local security policy is enabled for each application guard.

Claim 57 has been rejected over Brownlie, in view of Thebault, in view of Guedalia and further in view of Archibald (hereinafter the cited references). Applicant respectfully traverses.

The cited references fail to disclose deriving a local security policy from a global security policy, as defined in amended Claim 57. More specifically, the cited references fail to disclose that the local security policy is created from a global security policy by determining which of the plurality of rules of the global security policy are applicable to a particular application guard, such that the local security policy contains a fewer number of rules than the global security policy.

In the Office Action, Thebault was newly cited as disclosing generating such global and local policies on column 4 lines 9-25. However, the cited portion of Thebault appears to describe creating an enforceable rule set for a particular element based on the collection of rules that apply to all domains that the particular element is member of. Applicant respectfully submits that

the step of resolving any conflicting rules in Thebault is different from “*determining which of the plurality of rules of the global security policy are applicable to a particular application guard such that the local security policy contains a fewer number of rules than said global security policy*” as stated in Claim 57. This feature in Claim 57 allows the local policy to have a selectively customized set of rules for each application guard by analyzing the global policy set of rules and making determinations. None of the cited references analyze the rules of any global policy in this manner. Accordingly, there is no disclosure of this functionality of amended Claim 57.

In addition, it is also respectfully noted that Applicant disagrees with the Examiner's conclusion of obviousness of the claims in the present Application. *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971), the court states that “any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper.” Applicant respectfully submits that the conclusion of obviousness in the Office Action is precisely the type of improper reconstruction, because it does indeed include “knowledge gleaned only from the applicant's disclosure.” In the Office Action, four references, otherwise largely unrelated, have been combined based on the specification of the present Application in order to disclose the various portions of the features in the claims and the specification. Because such a reconstruction relies on the problem/solution described in the present Specification, it does indeed include knowledge gleaned from the applicant's disclosure and therefore is impermissible.

Furthermore, many of the cited references do not relate to the technical art of maintaining computer security, which is the subject matter of the features defined in the claims of the present application. For example, Guedalia deals with monitoring activity of an image server which stores a multiplicity of images, while Archibald deals with accounting applications. As such, neither of these references is a reference that “because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem.” *Wang Lab.* 993 F.2d 858; *State Contracting & Eng'g*, 346 F.3d 1057. Accordingly, it would not have been obvious to combine these references, as proposed in the Office Action.

In view of the above comments, Applicant respectfully submits that Claim 57, as amended, is neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

Claims 63, 72 and 81

Claims 63, 72 and 81, while independently patentable, recite limitations that, similarly to those described above with respect to claim 57, are not taught, suggested nor otherwise rendered obvious by the cited references. Reconsideration thereof is respectfully requested.

Claims 58, 64, 73, 82 and 90-99

Claims 58, 64, 73, 82 and 90-95 are not addressed separately, but it is respectfully submitted that these claims are allowable as depending from an allowable independent claim, and further in view of the comments provided above. Applicant respectfully submits that Claims 58, 64, 73, 82 and 90-95 are similarly neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

It is also submitted that these claims also add their own limitations which render them patentable in their own right. Applicant respectfully reserves the right to argue these limitations should it become necessary in the future.

IV. Additional Amendments

Claims 96-99 have been newly added by the present Response. Applicants respectfully request that new claims 96-99 be included in the Application and considered therewith.

V. Conclusion

In view of the above amendments and remarks, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and reconsideration thereof is respectfully requested. The Examiner is respectfully requested to telephone the undersigned before an advisory action is issued in order to avoid any unnecessary filing of an appeal.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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